

IC 34-30-12

Chapter 12. Health Care: Immunity of Persons Rendering Emergency First Aid

IC 34-30-12-1

Gratuitously rendered emergency care; immunity

Sec. 1. (a) This section does not apply to services rendered by a health care provider (as defined in IC 34-18-2-14 or IC 27-12-2-14 before its repeal) to a patient in a health care facility (as defined in IC 27-8-10-1).

(b) Except as provided in subsection (c), a person who comes upon the scene of an emergency or accident or is summoned to the scene of an emergency or accident and, in good faith, gratuitously renders emergency care at the scene of the emergency or accident is immune from civil liability for any personal injury that results from:

(1) any act or omission by the person in rendering the emergency care; or

(2) any act or failure to act to provide or arrange for further medical treatment or care for the injured person;

except for acts or omissions amounting to gross negligence or willful or wanton misconduct.

(c) This subsection applies to a person to whom IC 16-31-6.5 applies. A person who gratuitously renders emergency care involving the use of an automatic external defibrillator is immune from liability for any act or omission not amounting to gross negligence or willful or wanton misconduct if the person fulfills the requirements set forth in IC 16-31-6.5.

(d) This subsection applies to an individual, business, or organization to which IC 16-31-6.5 applies. An individual, business, or organization that allows a person who is an expected user to use an automatic external defibrillator of the individual, business, or organization to in good faith gratuitously render emergency care is immune from civil liability for any damages resulting from an act or omission not amounting to gross negligence or willful or wanton misconduct by the user or for acquiring or providing the automatic external defibrillator to the user for the purpose of rendering the emergency care if the individual, business, or organization and the user fulfill the requirements set forth in IC 16-31-6.5.

(e) The licensed physician who gives medical direction in the use of a defibrillator under IC 16-31-6.5-4 or a national or state approved defibrillator instructor of a person who gratuitously renders emergency care involving the use of an automatic external defibrillator is immune from civil liability for any act or omission of the licensed physician or instructor if:

(1) the act or omission of the licensed physician or instructor:

(A) involves the training for or use of an automatic external defibrillator; and

(B) does not amount to gross negligence or willful or wanton misconduct; and

(2) the licensed physician or instructor fulfills the requirements

of IC 16-31-6.5.

As added by P.L.1-1998, SEC.26. Amended by P.L.1-1999, SEC.73; P.L.84-2003, SEC.1 and P.L.91-2003, SEC.1.

IC 34-30-12-2

Gratuitously rendered cardiopulmonary resuscitation; immunity

Sec. 2. (a) This section applies to a person who has successfully completed a course of training in cardiopulmonary resuscitation according to the standards recommended by the Division of Medical Sciences, National Academy of Sciences - National Research Council.

(b) This section does not apply to acts or omissions amounting to gross negligence or willful or wanton misconduct.

(c) An act or omission of the person while attempting to administer cardiopulmonary resuscitation, without pecuniary charge, to any person who is an apparent victim of acute cardiopulmonary insufficiency shall not impose any liability upon the person attempting the resuscitation.

As added by P.L.1-1998, SEC.26.